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09101 POLICY

All possible assistance will be provided to NOAA Corps officers and their dependents to register and vote in all elections held in their home election districts.

09102 VOTING RESIDENCE

A. Voting residence is the legal residence or domicile in which the voter could vote if present. A voter's State of legal residence remains the only State in which he/she has the legal right to vote unless certain conditions of residency in another State are met and the person desires to, or must under voting laws of his/her former State of legal residence, establish legal residency there.

B. Whenever an individual satisfies residency and other requirements of one State and decides to adopt that State as his/her legal residence, voting rights are forfeited in the State formerly claimed as legal residence.

C. Generally, the State, county, city, or township in which an officer lived before entering a uniformed service is considered his/her legal residence for voting purposes unless he/she has established a legal residence elsewhere. Facts reviewed by authorities to resolve a question of legal residence include, but are not limited to, the State in which the officer:

- (1) owns property;
- (2) obtains a current driver's license;
- (3) registers motor vehicles;
- (4) maintains bank accounts; and
- (5) files a State income tax return.

D. For an officer temporarily residing overseas, the legal residence is the State previously designated as the officer's legal residence. If no such designation was made, then the legal residence is the State from which the officer departed. Officers overseas may receive voting assistance at U.S. Embassy and Consulate Offices as well as U.S. military installations.

E. Every State requires a minimum period of residence as a prerequisite to voting in State and local elections. Time spent in the uniformed services counts in meeting length of residency requirements.

F. Officers who intend, in good faith, to become legal residents of the State where they are stationed should contact local election officials concerning that State's election laws pertaining to registration and voting. The officer should be aware that a change in legal residence may affect his/her State income taxes, inheritance taxes, divorce procedures, adoption of children, college tuition for children, and automobile registration.

09103 ABSENTEE BALLOT

The **Federal Post Card Application (FPCA)(SF76) for Absentee Registration and Ballot Request** is designed to serve simultaneously as a registration application and absentee ballot request.

09104 VOTING ASSISTANCE

Officers desiring information on absentee registration and voting procedures should consult the **Voting Assistance Guide**, published by the Department of Defense, or the Director, CPC.

PART 2 - Political Activities

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09201 POLITICAL ACTIVITY

A. NOAA Corps officers are expected and encouraged to carry out their obligations as citizens but, while on active duty, are subject to certain limitations on being political candidates or on participating in partisan political activities.

B. Partisan political activities are activities in support of or related to candidates representing, or issues specifically identified with, National or State political parties and associated or ancillary organizations.

C. Nonpartisan political activities are activities in support of or related to candidates not representing, or issues not specifically identified with, National or State political parties and associated or ancillary organizations. (Issues relating to Constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with National or State political parties.)

D. The Hatch Act, as amended February 3, 1994, permits employees to participate in certain political activities. However, the definition of "employee" specifically excludes a member of the uniformed services [5 U.S.C. 7322(1)]. Since the NOAA Corps is a uniformed service [as defined in 5 U.S.C. 2101(3)], NOAA Corps officers are not subject to either the original or amended Hatch Act. However, NOAA Corps officers are subject to restrictions on political activities as described in this regulation.

09202 CANDIDACY FOR POLITICAL OFFICE

A. A NOAA Corps officer on active duty, except as provided herein, may accept a nomination for public office provided such nomination is tendered without direct or indirect activity or solicitation on his/her part. The officer may then file evidence

of candidacy as required by local law. However, a NOAA Corps officer may not become a candidate for any civil office requiring full-time service while under any kind of uniformed service obligation.

B. A candidacy permitted under this section is subject to the following:

(1) The candidacy shall not interfere with the officer's performance of duties in NOAA.

(2) The officer who is a candidate shall acknowledge by letter to the Director his/her awareness of the provisions of this paragraph.

09203 ELECTION TO POLITICAL OFFICE

A NOAA Corps officer on active duty, shall be discharged for the convenience of the Government under honorable conditions, or released from active duty, or retired for the purpose of performing the duties of a political office if:

(1) elected as a partisan candidate to any civil office;

(2) elected as a nonpartisan candidate to any civil office requiring full-time service;

(3) appointed to a civil office requiring full-time service; or

(4) appointed or elected to a local nonpartisan civil office when the requirements of the office interfere with the officer's regular duties in NOAA.

09204 PERMITTED POLITICAL ACTIVITY

A NOAA Corps officer may:

(1) promote and encourage other uniformed service members to exercise their right to vote, provided such promotion does not constitute an attempt to influence or interfere with the outcome of an election;

(2) make monetary contributions (subject to limitations) to a political party or political committee favoring a particular candidate or slate of candidates;

(3) join a political club and attend its meetings when not in uniform;

(4) serve in a local, part-time, nonpartisan civil office (appointive or elective) provided the requirements of the office do not interfere with his/her regular duties in NOAA;

(5) serve as an election official, provided such service is not as a representative of a partisan political party, does not interfere with NOAA duties, is not performed while in uniform, and has the prior approval of the Director;

(6) sign a petition for a specific legislative action or a petition to place a candidate's name on an official election ballot, provided signing does not obligate the officer to engage in partisan political activity and is taken as a private citizen and not as a representative of NOAA;

(7) write a letter to the editor of a newspaper expressing the officer's personal views concerning public issues, provided these views do not attempt to promote a partisan political cause;

(8) write a personal letter, not for publication, expressing preference for a specific political candidate or cause, provided the action is not part of an organized letter-writing campaign in behalf of a partisan political cause or candidate;

(9) display a political sticker on a private motor vehicle, provided it is not forbidden by motor vehicle law or local ordinance;

(10) participate in the nonpartisan activities of a civic, community, social, labor, or professional organization (see Part 09206 for limitations on this activity); and

(11) participate in nonpartisan elections (other than candidacy for full-time office), in connection with a nonpartisan question, or in connection with an issue that is nonpartisan in nature (see section 09206 for limitations on this activity).

09205 PROHIBITED POLITICAL ACTIVITY

A NOAA Corps officer may **not**:

(1) use official authority or influence for the purpose of:

- (a) interfering with an election;
- (b) affecting the course or outcome of an election;
- (c) soliciting votes for a particular candidate or issue; or

(d) requiring or soliciting political contributions from others.

(2) be a partisan candidate for Federal, State or local civil office except under conditions set forth in section 09203, or engage in public or organized solicitation of others to become partisan candidates for nomination or election to civil offices;

(3) participate in partisan political management or campaigns, or make public speeches in the course thereof;

(4) contribute to, solicit, or receive a campaign contribution from another member of the uniformed services, or a civilian officer or employee of the United States for the purpose of promoting any political objective or cause;

(5) allow or cause to be published partisan political articles signed or authorized by him/her for the purpose of soliciting votes for or against a partisan political party or candidate;

(6) serve in any official capacity in, or be listed as a sponsor of a partisan political club;

(7) speak before a partisan political gathering of any kind to promote a partisan political party or candidate;

(8) participate in any radio, television, group discussion, or other program as an advocate of a partisan political party or candidate;

(9) conduct a political opinion survey under the auspices of a partisan political group, or distribute partisan political literature;

(10) perform clerical or other duties for a partisan political committee during a campaign or on an election day;

(11) serve as a delegate, alternate, or proxy to a political party convention; as an officer in a political party, or a national state or local committee of a political party, or be a candidate for any of these positions;

(12) initiate or circulate a partisan nominating petition;

(13) solicit or otherwise engage in fund-raising activities in Federal offices and facilities, including military reservations, for a partisan political cause or candidate;

(14) march or ride in a partisan political parade;

(15) display a large political sign, banner, or poster (as distinguished from a political sticker) on or inside his/her private motor vehicle;

(16) participate in any organized effort to provide voters with transportation to the polls if the effort is organized by or associated with a partisan political party or candidate;

(17) sell tickets for or otherwise actively promote political dinners and other such fund-raising events; or

(18) attend partisan political events as an official representative of the uniformed services even though he/she does not actively participate.

09206 NONPARTISAN POLITICAL ACTIVITY

Participation in local nonpartisan political activities and nonpartisan political campaigns, is not prohibited. However, an officer while participating shall not:

(1) wear a uniform or use any U.S. Government property or facilities;

(2) allow participation to interfere with or prejudice performance of his/her duties and responsibilities as a NOAA Corps officer; or

(3) engage in conduct that would in any way imply that the Department of Commerce, NOAA, or the uniformed services are taking a position or are involved in the activity.

09207 POLITICAL ACTIVITIES NOT EXPRESSLY ALLOWED OR PROHIBITED

Some political activities not expressly prohibited may be contrary to the spirit and intent of this regulation. In determining whether or not an activity violates the traditional concept that uniformed service personnel must not engage in partisan political activity, rules of reason and common sense will apply. Before participating in a political activity not described in these regulations, officers should contact the Director, Commissioned Personnel Center, for a decision on its acceptability.